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as at English provincial inns and the food was better. In the same period the City Hotel kept by two old bachelors (p. 37) in New York City was a famous hostelry. It was said that Willard never went to bed, but "performed his parts of host, clerk, book-keeper and cashier." Certainly he attended to his business literally; for when he was called out on the great occasion that opened Niblo's Garden, it was found that he had not owned a hat for years.

Coaching by stage was fairly established about the middle of the eighteenth century. In 1718 (p. 260) Wardwell ran a line from Boston to Rhode Island, now Newport. The first carriages were an extension of a carryall, with seats across, somewhat like the present Concord wagon. The stage-coach proper, developed from the English models, was perfected at Concord, N. H., in 1827. These coaches have gone over the whole world. This method of travel was very romantic and the old driver was hardly inferior to the landlord of the tavern as a social agent.

Our author gives proper emphasis (p. 245) to the evolution of the Conestoga wagon, prairie schooner, army transport, from the days of Braddock's march to its entry into San Francisco. It has embarked at the Golden Gate and probably it will occupy the Philippines, for it is a vehicle of civilization.

The book is the most interesting of Mrs. Earle's writings; but it is not the best arranged. It shows haste and a lack of proportion, the inferior parts crowding and jostling the better portions. There is some confusion in the treatment of different sections of the country, and by confounding periods of time. If pictures are to illustrate and not carry the text, why is there a modern house (p. 23) like Buckman's Tavern, to set forth the Puritan ordinary in its earliest days? The matter being redundant, the text loses by complication of facts drawn from English history. An extended account of life and movement, in tavern and coach, should not be dumped (p. 434) into a graveyard and end abruptly in an epitaph.

But these are minor criticisms. The matter affords important illustrations of history, and the treatment is interesting. The gossiping style accords with the subject in hand, and the author's patient industry sufficiently guarantees the numerous facts. The book is amply illustrated, beautifully printed, and mounted on clumsy paper.

WILLIAM B. WEEDEN.

*The Referendum in America, together with some Chapters on the History of the Initiative, and other Phases of Popular Government in the United States.* By ELLIS PAXSON OBERHOLTZER, Ph.D. (New York: Charles Scribner's Sons. 1900. Pp. x, 430.)

So many of the books on public questions at the present day are written to advocate some particular reform, rather than to set forth the observed facts of political evolution; so many of the authors ought to be classed as political pamphleteers, rather than as students of the science

of government ; that it is refreshing to take up a work like Mr. Oberholtzer's, which aims, not at urging a panacea, but at describing the progress actually made by a novel institution. Novel it may fairly be called, although the use of the popular vote in legislation is by no means new in America. It may be traced to the first adoption of state constitutions in the eighteenth century, and has undergone, as the author points out, a steady and normal development quite apart from foreign influences ; yet the movement has received a great impetus of late years by a conscious imitation of Swiss examples. For this very reason Mr. Oberholtzer's book, while in one sense a new edition of his monograph published in 1893, contains a great deal that has occurred in the interval, and has, in fact, as he tells us, been entirely rewritten.

The first two chapters are devoted to a study of the struggle in the state of Pennsylvania between the French conception of democracy embodied in a single chamber, which was advocated by Franklin, and John Adams's ideas of popular government limited by checks and balances. The story as told is both interesting and in itself valuable, and we should be sorry not to have it, but one must admit that its relation to the rest of the book is not very close.

In the third chapter the author enters upon his real subject, with an account of the extension of the functions of the state constitutional convention at the expense of the legislature. He next proceeds to describe the submission of constitutions for ratification to popular vote, a practice which, after having become to all appearance a universal and settled custom, was discarded by the Southern states, first during the period of secession and reconstruction, and again during the last few years for the purpose mainly of disfranchising the negroes.

Mr. Oberholtzer follows with careful discrimination the operation of the popular vote in the amendment of constitutions, and then traces its use in general legislation of various kinds up to the complete adoption of the Referendum and Initiative in the Swiss form by South Dakota, in 1898. He points out that while the practice of giving the legislature constitutional authority to submit laws to the people of the state has increased, the courts have tended to decide that without such authority the submission cannot be made. On the other hand the courts have tended no less strongly to uphold the right of the legislature without constitutional permission, to make the local application of a law depend upon the vote of the people of the locality. Although the opinions of the judges are not always clear or consistent, the real legal reason for this distinction is simple. The objection to a general Referendum without constitutional sanction is based on the principle that the legislature has no right to delegate to anyone else the powers entrusted to it ; but it is always authorized, specifically or by implication, to delegate local government to local bodies, and it is as well justified in making the delegation to the people of a town as to the mayor or council.

The instances of the submission of local matters, or the local application of general laws, to local popular vote, are manifold, and Mr.

Oberholtzer reviews them very fully, devoting more than one-third of the book to different phases of the subject. The matters in regard to which such a vote is taken are of endless variety, but the author makes it appear very clearly that, until the recent imitation of Swiss methods, the Referendum, both general and local, (and for that matter the Initiative as well) was confined to definite questions determined beforehand by law.

In his chapter on the Initiative, Mr. Oberholtzer points out the curious fact that it has been found necessary, especially in the case of efforts to change the county seat, to restrain the use of the Initiative by allowing petitions for the purpose to be presented only at long intervals, by requiring a large number of signers, and by insisting on a guarantee against pecuniary loss to the community.

This remark leads naturally to the only general criticism—if it be a criticism—that we have to make on the book. The work is devoted to a study of the legal provisions for the Referendum, and tells us little of its actual results. The author does indeed point out the smallness of the vote cast, and the common tendency of the people to vote for or against all the questions presented at one time without discriminating much between them. But except for this, there are only scattered references here and there to particular votes, with nothing in the nature of an attempt to collect or tabulate the results. The Referendum and the Initiative in the Swiss form have, indeed, been adopted here too recently to make their use of any consequence as yet, but in the native form, which Mr. Oberholtzer thinks decidedly the best suited to our condition, the Referendum has existed for a long time, and a general collection of statistics concerning its effects might be highly valuable. Perhaps he may at some time in the future complete his subject by doing this work. If so, he may feel assured that we shall be even more grateful to him than we are today.

A. LAWRENCE LOWELL.

*English Common Law in the Early American Colonies.* By PAUL SAMUEL REINSCH, Ph.D., LL.B., Assistant Professor of Political Science in the University of Wisconsin. (University of Wisconsin. 1899. Pp. 64.)

THE ordinary theory of the courts regarding the beginnings of the common law in America is, of course, that the early settlers brought it with them as a birthright (so far as applicable to their conditions) and looked upon it from the first as a positive system wherever not replaced by colonial enactment. Such a statement, Dr. Reinsch rightfully contends, is historically incomplete and inaccurate. The points he urges in modification may be summed up as follows: (1) When the early settlers did refer to their inheritance in the common law, they had in mind only certain general principles of personal liberty, not the highly complex and technical English system; (2) in New England in particular there was a considerable period in which the common law was not consciously re-